

Pittsfield Police Department
Uniform Patrol Division
Internal Affairs Report

Confidential / Command Staff Only



Date: June 1, 2011
To: Chief Michael J. Wynn
From: Captain David R. Granger
Re: Officer Miles Barber's violation of established practice
Sir,

Sergeant Glen Decker and Lieutenant Katherine O'Brien both notified me of an incident where Officer Miles Barber took [REDACTED] of a [REDACTED]. The 3 photos which are submitted with this report show a [REDACTED] which is partially covered by her right hand.

While not specifically part of the department's policies and procedures and rules and regulations it is a well established practice across all three patrol shifts and within the detective bureau that when [REDACTED] need to be taken that the photographs are to be taken by a same sex officer.

It is also well established that when a same sex officer is not available to take these types of photographs that a substitute can be found. This is common with females victims due to the fact the department only has a limited number of female officers and at times no female officer is working. In that case we have used female matrons, female dispatchers or a female nurse or doctor at the hospital to document [REDACTED]. We have also had the victim come back at a later date when a female officer or detective is working.

On the night in question when Officer Miles Barber took the photographs depicting an injury to the [REDACTED] a female dispatcher [REDACTED] was working and could have taken the photographs. In addition the [REDACTED] had a medical staff working that included a female (as they do every night) that could have taken photographs for us. Some of these female nurses and doctors have training in photographing victims because they are trained in evidence collection for [REDACTED].

Taking sensitive photographs of victims by same sex officers is a well established practice in the Pittsfield Police Department and is done hundreds of times each year. Female officers and dispatchers are represented on each shift and in the detective bureau. Female prisoners are always searched by female officers or when needed by female dispatchers or matrons. These are common sense practices

and as stated a well establish practice within the Pittsfield Police Department. These type of searches and photographs by same sex officers go on each and every day.

In addition Officer Barber failed to properly download [REDACTED] photograph into the department computer records system. None were marked private and they were not only downloaded into the case file but also the defendants Master Name Index (MNI) which means that anyone accessing the defendants overall file will encounter [REDACTED] Properly downloading pictures into the case file is also a well established practice in the department and something we have all received training on.

As Lieutenant O'Brien points out in her report Officer Barber has over ten years of experience working at the police department and yet still continues behave improperly and also commit actions that unacceptable and ones that other officers routinely do in a proper and acceptable manner. The continuous and repeated counseling that his sergeants, his shift commander and I do with him does little to dissuade him as Lieutenant O'Brien so aptly put it to [REDACTED]

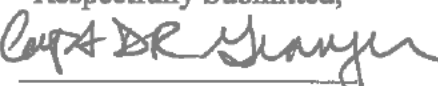
[REDACTED]

I specifically recommend that he be given a [REDACTED]

[REDACTED]

The following are attachments to this report:

- 1) [REDACTED]
- 2) [REDACTED]
- 3) Written statement of [REDACTED]
- 4) Lieutenant O'Brien's written report.
- 5) Sergeant Decker's written report.
- 6) Officer Miles Barber's written report. (Not received until June 6th/the report is undated)

Respectfully Submitted,

Captain David R. Granger
Uniform Patrol Commander

Officer Michael Ortega and I responded to [REDACTED], for the report of a [REDACTED]
[REDACTED]
[REDACTED]

Officer Ortega and I observed the victim,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

I then advised [REDACTED] that she had a right to give me a written statement concerning this incident, but I could take one after [REDACTED] informed her that I could bring a camera [REDACTED] for her comfort and privacy. [REDACTED] after coming to the station and giving her statement.

Upon completion of photographing the scene, I transported [REDACTED] to the station to take her statement. Upon entering the station, for her privacy I had [REDACTED] wait inside the [REDACTED] and not in the entry way. I then retrieved a digital camera from the sergeant's desk and returned to the report room. I then had [REDACTED] stand up near the wall while I photographed the visible [REDACTED]

After I completed [REDACTED] statement I requested again for her to allow me to [REDACTED] By this time she had refused [REDACTED]

██████████ She just wanted any and all photographs to be taken and then return home.

██████████ I told her that we did not have any female officers working this evening that could take these photographs. She said that is was okay and that she just wanted ██████████ documented.

I then told ██████████ that I would take the photographs, but first I would turn away and she could keep herself covered and when she was ready she was to let me know. She then stated she was ready. I then turned, took the pictures and completed the investigation.

I then transported ██████████ back to her residence. Upon return to the station I download the photographs to the overall report. I did not mark any of the sensitive photos as private. I did not think to do this. I don't know exactly how to do this. As well, I did not ask a supervisor for guidance with this procedure.

Having just returned from being off the job for approximately 15 weeks, I was determined to be as thorough about any and all of my cases. This does not in any way try to justify my conduct. I am merely relaying the fact that I was trying to present the best possible case on behalf of a victim that gave every appearance that she was determined to never ██████████, and was ready to move forward and plead her case in court.

Respectfully submitted,



Officer Miles J. Barber
Patrolman # 04791

PITTSFIELD POLICE DEPARTMENT STATEMENT FORM

WHERE TAKEN: Pittsfield Police Department
BY WHOM: Lt Katherine M O'Brien
DATE: May 5, 2011

STATEMENT OF: [REDACTED]
ADDRESS: [REDACTED]
PHONE: [REDACTED] 2nd PHONE: [REDACTED]
AGE: 30 DOB: [REDACTED]
OCCUPATION: [REDACTED]
DEGREE OF EDUCATION: [REDACTED]

I am here at the Pittsfield Police Department to give a statement to Lt O'Brien about what happened on the morning of [REDACTED], when my [REDACTED]

I called the police early that morning because my [REDACTED]
[REDACTED] I explained to the officers what happened and they
[REDACTED] about 10 minutes later. Then Officer Miles Barber brought me to the police station so I
could give a written statement about what happened.

The whole time we were just talking about what happened and I showed Officer Barber where my

After I gave the statement, Officer Barber printed it out so I could read it. Then he said he had to show it to another officer and then he came back and said he had to add some more information. I think that in between completing the statement Officer Barber took photographs of [REDACTED]. He had taken pictures of [REDACTED] at my house with his cellphone earlier. But he said he would now use a digital camera for better pictures. He said it was good to take pictures of the stuff for the [REDACTED]

He took pictures of the [REDACTED]. When he took the pictures of my [REDACTED] he pointed the camera at me and snapped and looked away.

Lt O'Brien has asked me if Officer Barber ever suggested that I wait to have the pictures taken at a later time. I just wanted the pictures taken so I could go home. She also asked me if he suggested that someone else, meaning a female take the pictures. He did not. She also asked me if he explained to me that male police officers are not supposed to take these photographs of women, normally. He did not mention that. If he had said there was a woman available, right then, to take-

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the picture, I would have agreed to let her do it. But I was so tired that I just wanted to go home to bed. Lt O'Brien has also asked me if I was uncomfortable with the fact that Officer Barber took pictures of my [REDACTED] I was not because as I said before, I was so tired and I trusted him because he is a police officer.

I am concerned about who might see the pictures. Lt O'Brien has told me they are marked confidential and private, so not everyone can see them. I do know that the lawyers would have to see them for trial, and the judge and the jury. [REDACTED]

Lt. Katherine M. O'Brien
5/5/11 11:26 AM

PITTSFIELD POLICE DEPARTMENT

TO: Captain Granger
Lieutenant O'Brien

RE: Photographs of [REDACTED]

Defendant: [REDACTED]
[REDACTED]

Victim: [REDACTED]
[REDACTED]

On Friday, April 15, 2011 at approximately 0244 hours Officers Miles Barber and Michael Ortega were dispatched to [REDACTED] apartment in Pittsfield. The call came into the 911 dispatchers at the Pittsfield Police Department via North Hampton and it was regarding a [REDACTED]
[REDACTED]

The officers arrived at this residence and found a [REDACTED] by the name of [REDACTED] from her [REDACTED]. This individual had [REDACTED] of her [REDACTED] name of [REDACTED] had [REDACTED] her. The officers conducted an investigation and within a short period of time [REDACTED] the above named defendant.

Officer Barber transported the victim to the Pittsfield Police Department and took a statement from [REDACTED]. The statement was taken in the [REDACTED]. On a few occasions I went to this room and had Officer Barber speak to me in the hallway as to details regarding this [REDACTED]. I needed this information for [REDACTED]. I was able to see [REDACTED] and observed her [REDACTED]. At the conclusion of the statement I read it over and had Officer Barber make a few corrections.

After the statement Officer Barber began his overall report for this case. At approximately 0800 hours Officer Barber had to leave [REDACTED]. Officer Barber had asked me for this time earlier in the evening. I informed him, after checking his time, that he could have the time. Officer Barber informed me that since he was leaving for [REDACTED] he would return after taking care of his [REDACTED] and finish the report in time for [REDACTED]. I agreed to this.

Officer Barber returned at approximately 0845 hours and started back working on finishing up his report. I had read over what he had written to that point and requested that he add a few things

that I felt were pertinent to the case. While Officer Barber was working on this report I received a phone call from court asking when the report for [REDACTED] would be ready. I informed them it would be ready in fifteen to twenty minutes. At this time [REDACTED] hadn't been transported to court yet. When Officer Barber was finished he made the appropriate copies and I asked Officers McIntyre and Kemp who were making the [REDACTED] paper work to court with them regarding the [REDACTED]

As Officer Barber was getting ready to leave I informed him that I would give him back his [REDACTED] because he had stayed approximately a half an hour finishing his report. Officer Barber then informed me that [REDACTED] really did a number on [REDACTED] I told him that I had seen [REDACTED]. Officer Barber then informed me that he had other photographs of her [REDACTED]. As to this point and time I thought the only [REDACTED] to [REDACTED] were her [REDACTED]

Officer Barber then showed me photographs he had taken of [REDACTED] and [REDACTED] she had received at the [REDACTED] of [REDACTED]. These [REDACTED] apparently were within the past few days and show [REDACTED]. Upon seeing these photographs I immediately asked Officer Barber who took the photographs. Officer Barber informed me that he had. I informed Officer Barber that he can't take photographs like these of females. Some of [REDACTED] were in the area of her [REDACTED] and she is seen in the photographs with her [REDACTED]. I again informed Officer Barber that in no way shape or form should he or any other male officer take such pictures. Officer Barber informed me that [REDACTED] insisted and that she refused to go to the [REDACTED] for the pictures. Officer Barber informed me that we didn't have any female officers working that shift and that she was adamant that the pictures be taken there and now. I again informed Officer Barber that we can't take such pictures and that in that situation no pictures should have been taken at that time. During the course of this investigation, including Officer Barber's statement of [REDACTED] and his overall report regarding this [REDACTED] he never made me aware of [REDACTED] other [REDACTED] or the need to take such photographs of these other [REDACTED]. During this shift we had [REDACTED] working the midnight to eight AM shift.

Sergeant Glen F. Decker

**PITTSFIELD POLICE DEPARTMENT
REPORT TO THE CHIEF**

Date: April 22, 2011

Arrest # 11-346-AR

TO: Chief Wynn
Captain Granger

FROM: Lieutenant Katherine M. O'Brien

RE: Inappropriate actions by Officer Miles Barber



SIR:

On Saturday, April 16, 2011, Sergeant Glen Decker notified me of an incident that had occurred the previous morning involving Officer Miles Barber [REDACTED]. I directed him to leave a report, which is attached hereto and made a part of this report.

On Friday, [REDACTED], at approximately 0244, Officers Miles Barber and Michael Ortega were dispatched to a [REDACTED].

The [REDACTED] came to the station to give a statement to Officer Barber, the [REDACTED] officer. [REDACTED] had visible [REDACTED]. According to the computerized time stamp on the Witness Statement, Officer Barber began the statement at 0333. While he was taking [REDACTED] statement, Sergeant Decker interrupted him several times to get more information for the [REDACTED] notification. Sgt Decker also reviewed the statement and ordered Officer Barber to make several corrections.

Officer Barber began his overall report, according to the time stamp at 0625. At approximately 0800, he was allowed to take a half hour [REDACTED]. He said he would return to complete the report. Sgt Decker had read over the report and told him to add a few pertinent details. When Officer Barber returned at approximately 0845, he made the corrections. After a while, Court called because the [REDACTED] had not been submitted, nor had [REDACTED] been transferred to Court. They were told it would be about 15-20 minutes. When he completed the report to Sgt Decker's satisfaction, Officer Barber made the copies required and [REDACTED] and the paperwork were brought to Court by Officers Kemp and McIntyre.

Sgt Decker notified me that when Officer Barber was getting ready to leave, he commented to Sgt Decker, that [REDACTED] on [REDACTED]. When Sgt Decker replied that he had seen her [REDACTED], Officer Barber informed him he had other photographs of [REDACTED]. He then showed Sgt Decker other photographs he had taken of [REDACTED] that appeared to be several days old. Included in these photographs were several pictures of [REDACTED].

When Sgt Decker saw these photographs, he asked Officer Barber who had taken them. Officer Barber stated he had. Sgt Decker informed Officer Barber that male officers should not be taking photographs like those of females. Officer Barber said [REDACTED] had insisted that he take the photos, and she had [REDACTED] for the pictures. He claimed that he took the photos because there were no female officers working and she was insistent the pictures be taken immediately. Sgt Decker repeated that male officers cannot take those photographs and we could have delayed taking the pictures. In fact, if Officer Barber had notified Sgt Decker of the need to take photos of a [REDACTED], Sgt Decker would have requested that [REDACTED] who was working at the time, take them.

Officer Barber began taking [REDACTED] statement at approximately 0333 and he stayed in the station working on the [REDACTED] until he left for 45 minutes at 0800. During that time, Sgt Decker was also present in the building. He checked on Officer Barber several times to assess his progress with the report. He reviewed and had [REDACTED] statement clarified as well as the overall report. He said that Officer Barber never mentioned anything about the [REDACTED] to [REDACTED] nor the photos he took of them, until he was just leaving the building. He never mentioned them in his report, nor consulted with Sgt Decker about the [REDACTED] and the problem of taking pictures of them.

Sergeant Decker has informed me that Officer Barber was adamant that he had taken the photographs properly. He repeated that because the victim was insistent that he take the pictures, he had no alternative. That he failed to inform Sgt Decker of his dilemma dilutes this argument. He refused to acknowledge that this consisted of a violation of the Department's policy that officers do not take photographs of the [REDACTED] except in rare, special circumstances, which this case did not fit. Additionally, Officer Barber took these photographs when [REDACTED].

Furthermore, when he downloaded the photographs to the computer, none of them were checked off as "Private" and they were all added, not to just the [REDACTED] but also to the Master Name Index file of [REDACTED]. This means that when someone is looking up [REDACTED] information, photos of [REDACTED] and her [REDACTED] will be there.

Officer Miles Barber has been a police officer for over ten years. He is familiar with the Department's Policies and Procedures and Rules and Regulations. He should have known that taking those photos of [REDACTED] was prohibited and yet he did it regardless. This action might be excused if it were done by an officer right out of the Academy, but is unacceptable from a 10-year veteran. His rationalization that he had to do it because there was no female officer working and the [REDACTED] was insistent was faulty because he never made an effort to find an alternative solution to what he thought was the problem. Sgt Decker would have suggested an acceptable option. I believe he intentionally failed to mention the [REDACTED] and photos to Sgt Decker.

Officer Barber's sergeants on Squad C and I recognize this as a part of his behavior. We would often have to take corrective action for his acts. This would include giving advice to citizens

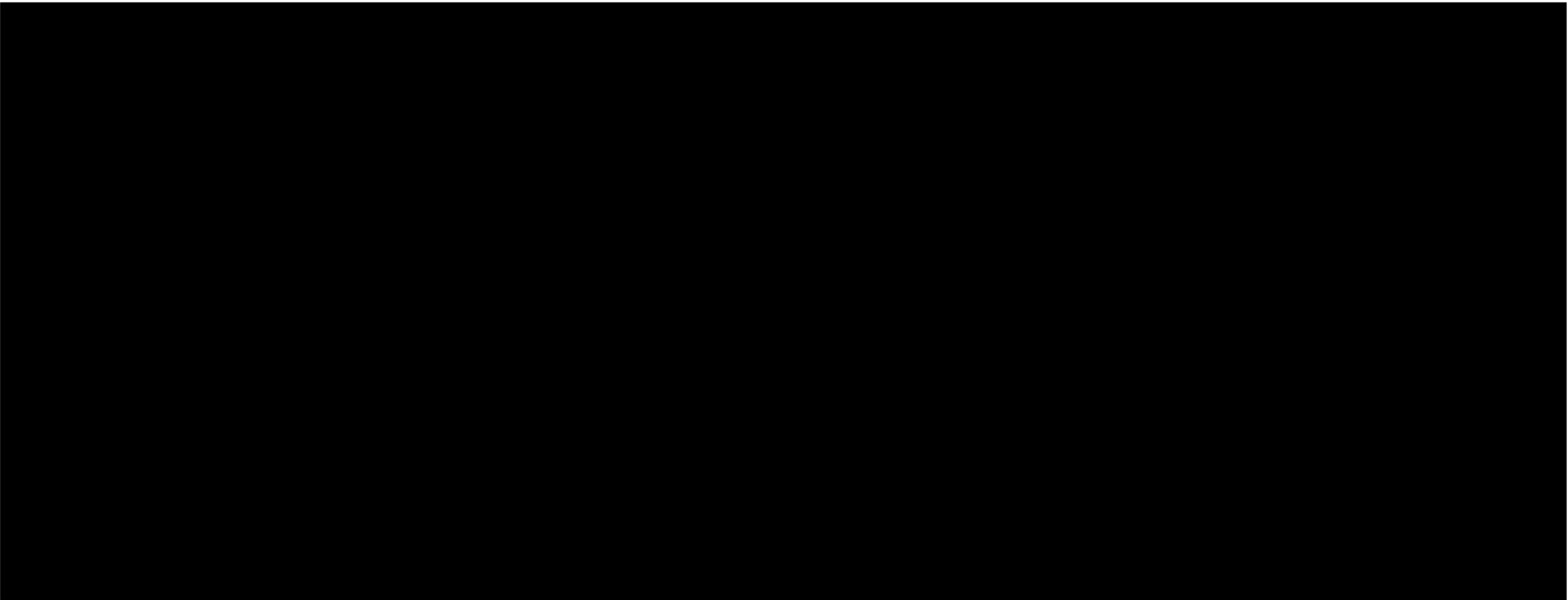


Respectfully submitted,

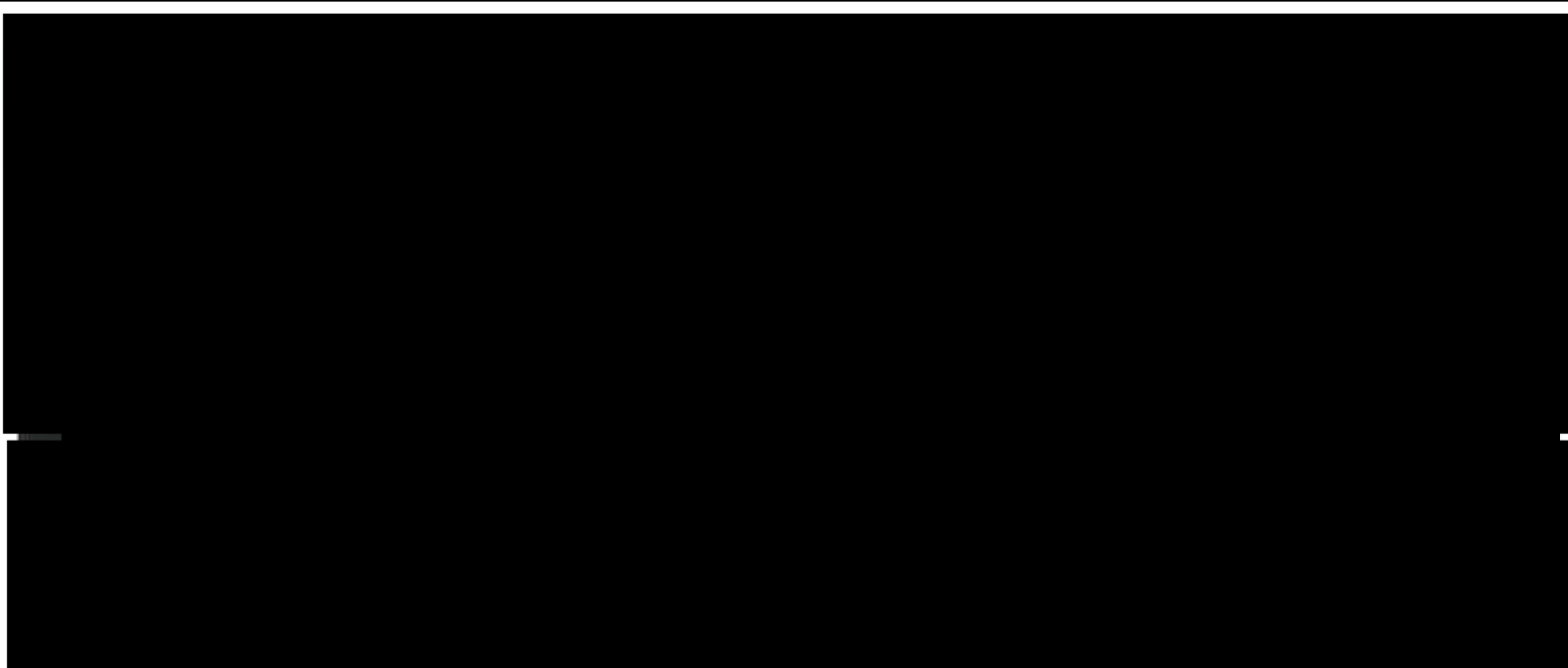
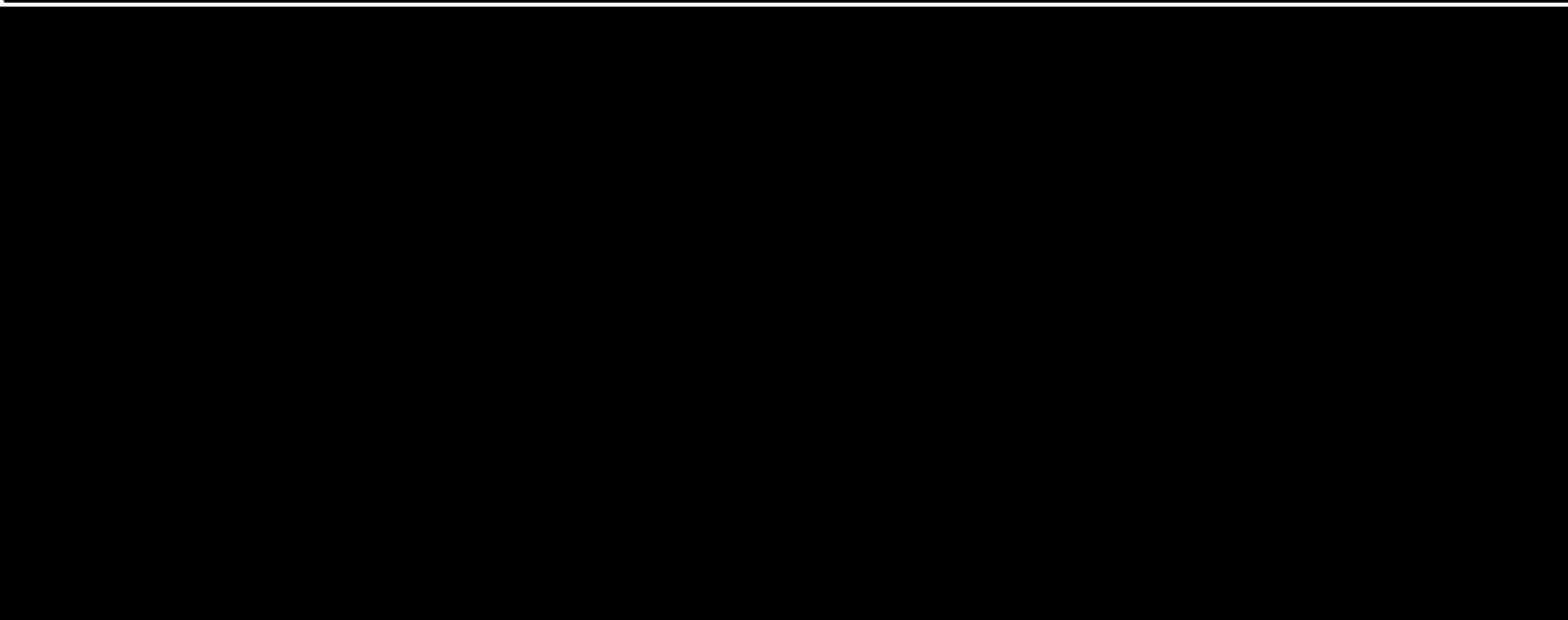
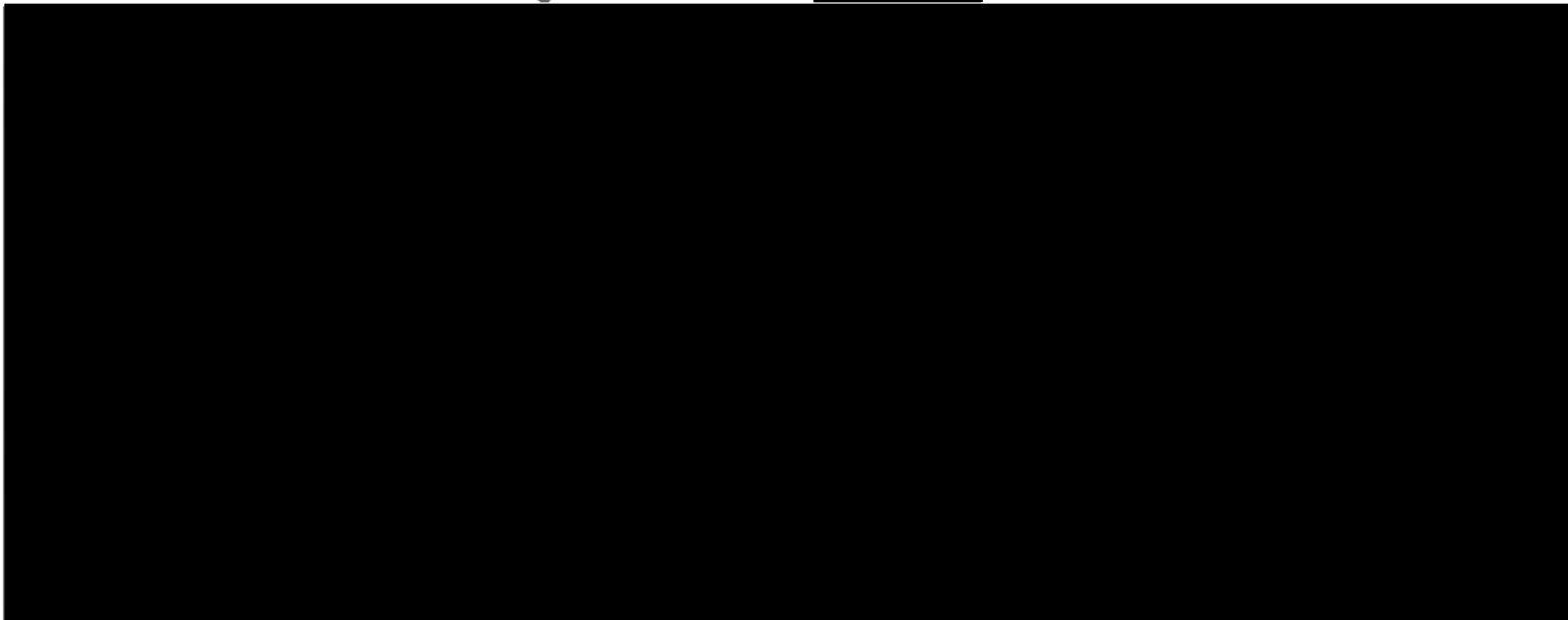
Lt. Katherine M O'Brien

Lieutenant Katherine M O'Brien

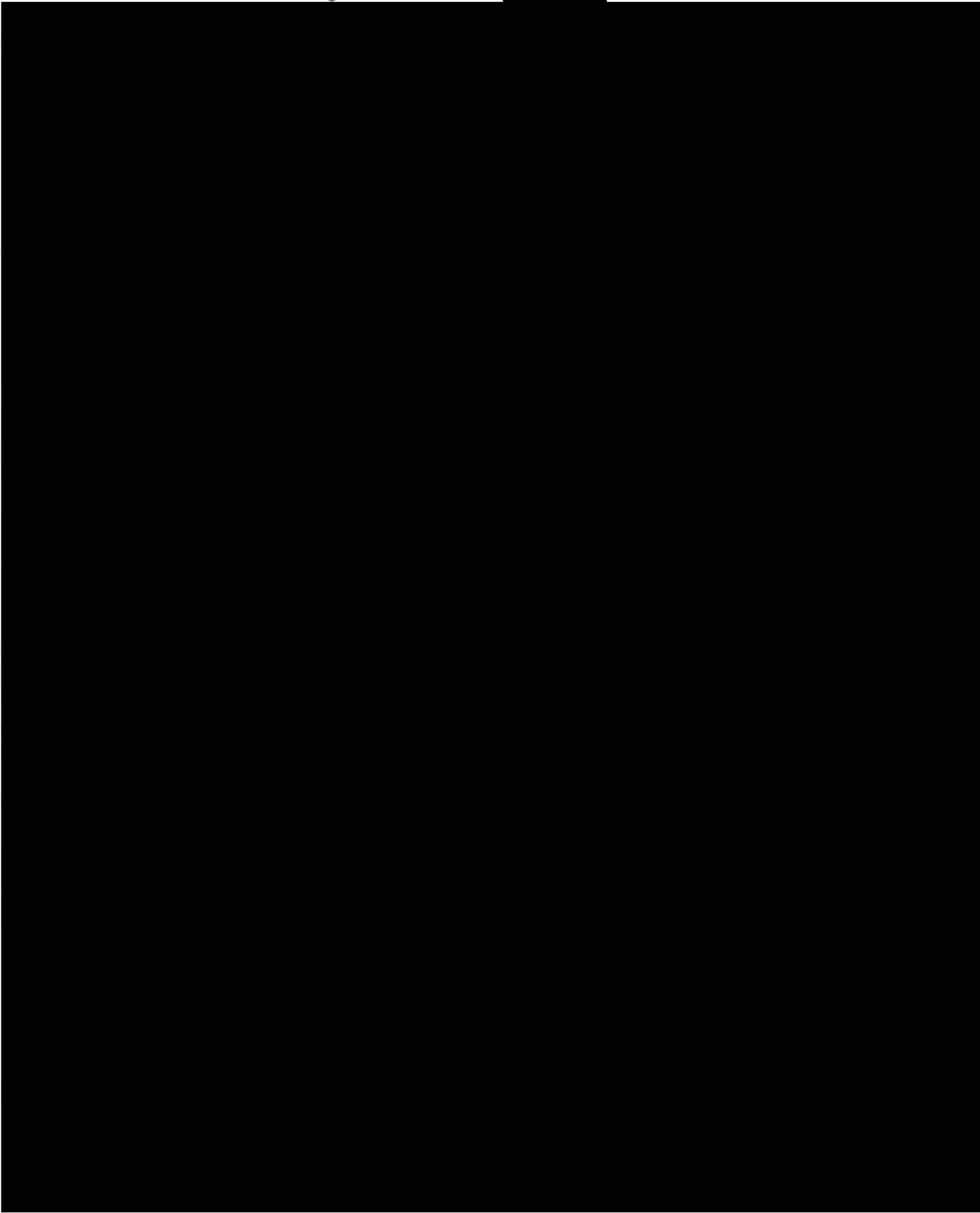
Pittsfield Police Department
Images Associated with [REDACTED]



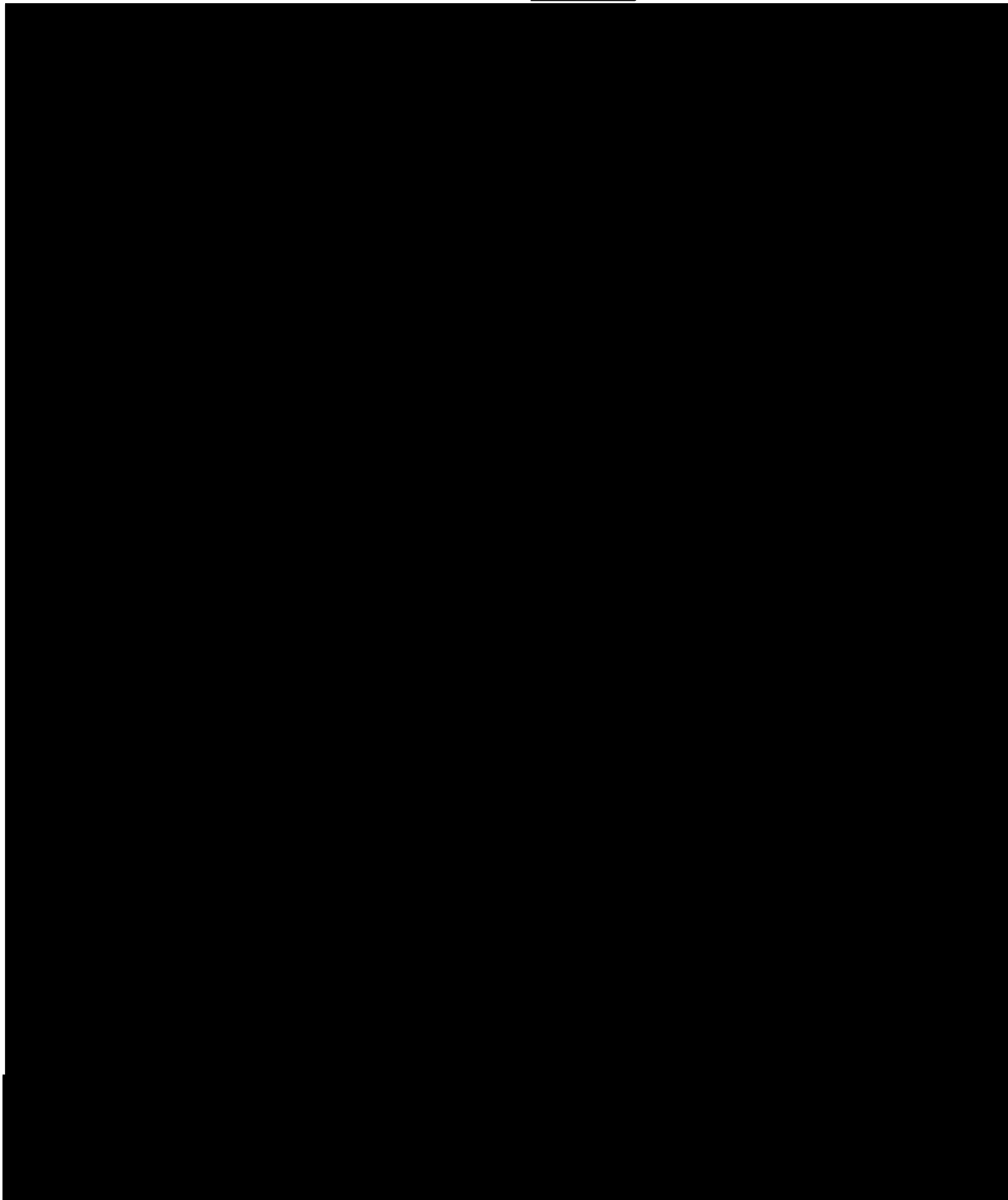
Pittsfield Police Department
Images Associated with [REDACTED]



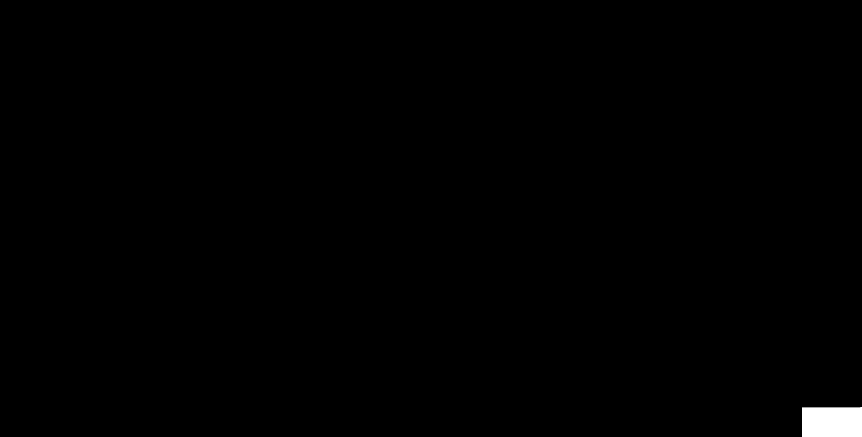
Pittsfield Police Department
Images Associated with [REDACTED]



Pittsfield Police Department
Images Associated with [REDACTED]



Pittsfield Police Department
Images Associated with [REDACTED]



Age: [REDACTED]
Sex: [REDACTED]
Ethnicity: [REDACTED]
Weight: [REDACTED]
Hair: [REDACTED]

DOB: [REDACTED]
Race: [REDACTED]
Height: [REDACTED]
Eyes: [REDACTED]

Contact Information

Home Phone (Primary) [REDACTED]
Home Phone [REDACTED]

Notes

[REDACTED]

[REDACTED]

